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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

DONALD RAY WILLIAMS,

Defendant

No. CR 08-00040 JF

**STATEMENT OF NON-OPPOSITION
TO DEFENDANT'S MOTION TO
DETERMINE MENTAL
COMPETENCY; RESERVATION OF
RIGHTS AS TO OTHER ISSUES**

Date: Wednesday, August 13, 2008

Time: 9:00 a.m.

Court: Honorable Jeremy Fogel

COMES NOW THE UNITED STATES OF AMERICA, and files its response to the defendant's motion filed July 25, 2008, and captioned "Notice of Motion and Motion to Determine Mental Competency."

The United States does not oppose the basic essence of defendant's motion, *i.e.*, we do not object to this court ordering the defendant to be examined under 18 U.S.C. 4241. Neither do we object to such an exam being performed locally rather than in a BOP facility. We reserve the right to object to a particular psychiatrist or psychologist performing the examination. We offer to work with defense counsel to come up with an expert agreeable to both sides, but we may not be able to do so by August 13, 2008, the date currently set for the hearing.

1 Finally, as to payment for the examination, the undersigned has asked budgetary people in
2 the United States Attorney's Office whether this is something they think we have authority to pay
3 for, I am awaiting their response. Accordingly, for the time being, we must reserve our right to
4 oppose being ordered to pay for the examination.

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6 Date: August 12, 2008

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO
8 United States Attorney

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10 /s/
GARY G. FRY
11 Assistant United States Attorney
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